

REQUEST FOR AUTHORIZATION TO DISTRIBUTE DOCUMENTS TO JURY

It is within the sound discretion of the trial court whether to allow additional documents and exhibits to be included in the jurors' notebooks.

The State of Arizona, by and through undersigned counsel, hereby requests authorization to distribute to each and every juror one copy each of the "Annotated" Autorads and one copy each of the DNA glossary, to be included in the jurors' notebooks. Copies of each document are attached. This motion is supported by the attached Memorandum of Points and Authorities.

MEMORANDUM OF POINTS AND AUTHORITIES

Rule 18.6(d), Arizona Rules of Criminal Procedure, states:

d. Note Taking; Access to Juror Notes and Notebooks. The court shall instruct the jurors that they may take notes regarding the evidence presented. The court shall provide materials suitable for this purpose. **In its discretion, the court may authorize documents and exhibits to be included in notebooks for use by jurors during trial to aid them in performing their duties.** Jurors shall have access to their notes and notebooks during recesses and deliberations. After the jury has rendered its verdict, the notes shall be collected by the bailiff or clerk who shall destroy them promptly.

[Emphasis added.] The Comment to the 1995 Amendment to Rule 18.6 states, "In trials of unusual duration or involving complex issues, juror notebooks are a significant aid to juror comprehension and recall of evidence." Arizona courts have recognized that DNA evidence is complex. *See, e.g., State v. Spreitz*, 190 Ariz. 129, 135, 945 P.2d 1260, 1266 (1997). Because of the complexity of the DNA issues, the State asks this Court to exercise its discretion and allow copies of the attached documents to be included in juror notebooks so that the jurors may better comprehend and recall the evidence presented.

Conclusion:

To aid the jurors in remembering and understanding the evidence presented, the State asks this Court to provide each juror with a copy of each of the attached documents.